

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANTHONY NATALE, JR., on behalf of himself and
all others similarly situated,

Plaintiff,

V.

GENERAL MOTORS CORPORATION,

Defendant.

CIVIL ACTION
NO. 05-11152-RCL

DEFENDANT GENERAL MOTORS CORPORATION'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendant General Motors Corporation (“GM”) hereby moves to dismiss with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), all Counts of plaintiffs’ Complaint. The grounds for this motion are set forth in the accompanying Memorandum of Law In Support of Defendant’s Motion to Dismiss.

In the alternative, GM moves to dismiss, without prejudice, pursuant to Fed. R. Civ. P. 12(b)(5) and Mass. R. Civ. P. 4(j), all Counts of Plaintiffs' Complaint. The grounds for this motion are set forth in the accompanying Memorandum of Law In Support of Defendant's Motion to Dismiss and the supporting affidavits of Carol E. Head and Lawrence S. Buonomo.

REQUEST FOR ORAL ARGUMENT

Because oral argument may assist the court in determining the issues presented in the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss, and Defendant GM wishes to be heard on this matter, GM hereby requests oral argument for this motion to dismiss.

WHEREFORE, GM respectfully requests that this Court dismiss all Counts of the Complaint.

June 10, 2005

GENERAL MOTORS CORPORATION,

By its attorneys,

/s/ Carol E. Head

John R. Skelton, BBO #552606

Carol E. Head, BBO #652170

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RULE 7.1(A)(2) CERTIFICATE

Undersigned counsel, John R. Skelton, certifies that on June 9, 2005, he conferred with plaintiffs' counsel, David Pastor, by telephone and that they attempted in good faith to resolve or narrow the issues presented by this Motion but were unable to do so.

/s/ John R. Skelton

John R. Skelton

CERTIFICATE OF SERVICE

I, Carol E. Head, hereby certify that a true and correct copy of the foregoing Defendant General Motors Corporation's Motion to Dismiss was served on June 10, 2005 via mail, to the following:

David Pastor, Esq.
Kenneth G. Gilman, Esq.
Gilman and Pastor, LLP
60 State Street, 37th Floor
Boston, MA 02109

/s/ Carol E. Head
Carol E. Head